



General Assembly

January Session, 2009

Raised Bill No. 6543

LCO No. 3740

03740_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING PATERNITY AND SUPPORT
ESTABLISHMENT AND ENFORCEMENT OF ORDERS IN TITLE IV-D
CHILD SUPPORT CASES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) to (g), inclusive, of section 17b-179 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2009*):

4 (b) (1) The Commissioner of Social Services shall [, in the manner
5 provided in section 17b-81,] investigate the financial condition of the
6 parent or parents of: (A) Any child applying for or receiving assistance
7 under [the provisions of sections 17b-807 and 17b-808 and] (i) the
8 temporary family assistance [for needy families] program pursuant to
9 section 17b-112, which may be referred to as ["TANF"] TFA for the
10 purposes of this section or (ii) the Medicaid program pursuant to
11 section 17b-261, (B) any child seeking IV-D child support enforcement
12 services pursuant to subdivision (1) of subsection (h) of this section,
13 and (C) any child committed to the care of the Commissioner of
14 Children and Families who is receiving payments in the foster care
15 program and for whom a referral to the Bureau of Child Support

16 Enforcement is made under section 46b-130, as amended by this act,
17 and shall determine the financial liability of such parent or parents for
18 [the] such child.

19 (2) The Bureau of Child Support Enforcement may, upon notice to
20 the obligor and obligee, redirect payments for the support of all such
21 children to either the state of Connecticut or the present custodial
22 party, as their interests may appear, provided neither the obligor nor
23 the obligee objects in writing within ten business days from the
24 mailing date of such notice. Any such notice shall be sent by first class
25 mail to the most recent address of such obligor and obligee, as
26 recorded in the state case registry pursuant to section 46b-218, and a
27 copy of such notice shall be filed with the court or family support
28 magistrate if both the obligor and obligee fail to object to the redirected
29 payments within ten business days from the mailing date of such
30 notice. All payments shall be distributed as required by Title IV-D of
31 the Social Security Act.

32 (3) Notwithstanding subdivision (2) of this subsection or
33 subparagraph (F) of subdivision (1) of subsection (u) of section 46b-
34 231, as amended by this act, the Bureau of Child Support Enforcement
35 or a support enforcement agency under cooperative agreement with
36 the Bureau of Child Support Enforcement shall redirect payments for
37 the support of children described in subparagraphs (A)(i) and (C) of
38 subdivision (1) of this subsection to the state of Connecticut effective
39 on the date of the assistance grant. Upon such redirection, the Bureau
40 of Child Support Enforcement or support enforcement agency shall
41 notify the obligor and obligee as described in subdivision (2) of this
42 subsection if assistance is being received by a new custodial party on
43 behalf of such children and, if an objection to redirection is received in
44 accordance with said subdivision (2), shall refund to the obligee of the
45 support order any money retained by the state during the period of
46 redirection that is due such obligee.

47 (c) The [Connecticut] Bureau of Child Support Enforcement

48 [Bureau] shall enter into cooperative agreements with appropriate
49 officials of the Judicial [Department] Branch and law enforcement
50 officials to assist in administering the child support enforcement plan
51 and with respect to other matters of common concern in the area of
52 child support enforcement. Officers of the Judicial [Department]
53 Branch and law enforcement officials authorized and required to enter
54 into cooperative agreements with the [Connecticut] Bureau of Child
55 Support Enforcement [Bureau] include, but are not limited to, [the]
56 officials of the Superior Court and the Office of the Attorney General.
57 Such cooperative agreements shall contain performance standards to
58 address the mandatory provisions of both state and federal laws and
59 federal regulations concerning child support.

60 (d) The [Connecticut] Bureau of Child Support Enforcement
61 [Bureau] shall have authority to determine on a periodic basis whether
62 any individuals who owe child support obligations are receiving
63 unemployment compensation. In IV-D cases, the bureau may
64 authorize the collection of any such obligations owed by an individual
65 receiving unemployment compensation through an agreement with
66 the individual or a court order pursuant to section 52-362, as amended
67 by this act, under which a portion of the individual's unemployment
68 compensation is withheld and forwarded to the state [agency] acting
69 by and through the IV-D agency. As used in this section, the term
70 "unemployment compensation" means any compensation payable
71 under chapter 567, including amounts payable by the administrator of
72 the unemployment compensation law pursuant to an agreement under
73 any federal law providing for compensation, assistance or allowances
74 with respect to unemployment.

75 (e) The Bureau of Child Support Enforcement [Bureau] shall enter
76 into purchase of service agreements with other state officials,
77 departments and agencies which do not have judicial or law
78 enforcement authority, including but not limited to, the Commissioner
79 of Administrative Services, to assist in administering the child support
80 enforcement plan. The Bureau of Child Support Enforcement [Bureau]

81 shall have authority to enter into such agreements with the Labor
82 Commissioner and to withhold unemployment compensation
83 pursuant to subsection (d) of this section and section 31-227.

84 (f) The [Connecticut] Bureau of Child Support Enforcement
85 [Bureau] shall have the sole responsibility to make referrals to the
86 federal Parent Locator Service established pursuant to 88 Stat. 2353
87 (1975), 42 USC 653, as amended, for the purpose of locating deserting
88 parents.

89 (g) The [Connecticut] Bureau of Child Support Enforcement
90 [Bureau] shall have the sole responsibility to make recommendations
91 to the Governor and the General Assembly for needed program
92 legislation to ensure implementation of Title IV-D of the Social Security
93 Act, as amended.

94 Sec. 2. Subsection (h) of section 17b-179 of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective*
96 *October 1, 2009*):

97 (h) (1) The [Connecticut] Bureau of Child Support Enforcement
98 [Bureau] shall provide, or arrange to provide through one or more of
99 the state offices, departments and agencies the same services for
100 obtaining and enforcing child support orders in cases in which
101 children are not beneficiaries of [TANF] TFA, Medicaid or foster care
102 as in cases where children are the beneficiaries of such aid. Such
103 services shall also be made available to residents of other states on the
104 same terms as to residents of this state. Support services in [non-TANF
105 support] cases other than TFA, Medicaid or foster care will be
106 provided upon application to the [Connecticut] Bureau of Child
107 Support Enforcement by the person seeking to enforce a child support
108 obligation and the payment of an application fee, pursuant to the
109 provisions of subsection (i) of this section.

110 (2) In addition to the application fee, the [Connecticut] Bureau of
111 Child Support Enforcement [Bureau] may assess costs incurred for the

112 establishment, enforcement or modification of a support order in [non-
 113 TANF] cases other than TFA, Medicaid or foster care. Such assessment
 114 shall be based on a fee schedule adopted by the Department of Social
 115 Services pursuant to chapter 54. The fee schedule to be charged in
 116 [non-TANF support] such cases shall be made available to any
 117 individual upon request. The Bureau of Child Support Enforcement
 118 [Bureau] shall adopt procedures for the notification of Superior Court
 119 judges and family support magistrates when a fee has been assessed
 120 an obligee for support services and a Superior Court judge or a family
 121 support magistrate shall order the obligor to pay any such assessment
 122 to the Bureau of Child Support Enforcement. [Bureau.] In cases where
 123 such order is not entered, the obligee shall pay an amount based on a
 124 sliding scale not to exceed the obligee's ability to pay. The Department
 125 of Social Services shall adopt such sliding scale pursuant to chapter 54.

126 (3) The [Connecticut] Bureau of Child Support Enforcement
 127 [Bureau] shall also, in the case of an individual who never received
 128 temporary assistance for needy families and for whom the state has
 129 collected at least five hundred dollars of support in a one-year period,
 130 impose an annual fee of twenty-five dollars for each case in which
 131 services are furnished. The annual fee shall be (A) retained by the state
 132 from the support collected on behalf of the individual, but not from the
 133 first five hundred dollars collected, (B) paid by the individual applying
 134 for the services, (C) recovered from the noncustodial parent, or (D)
 135 paid by the state.

136 Sec. 3. Subsection (i) of section 17b-179 of the general statutes is
 137 repealed and the following is substituted in lieu thereof (*Effective*
 138 *October 1, 2009*):

139 (i) In [non-TANF] child support cases other than TFA, Medicaid or
 140 foster care, the state shall impose an application fee in an amount
 141 necessary to comply with federal law and regulations under Title IV-D
 142 of the Social Security Act, which fee shall be paid by the state. The
 143 amount of such fee shall be established by regulations adopted, in

144 accordance with the provisions of chapter 54, by the Commissioner of
 145 Social Services and shall not exceed twenty-five dollars or such higher
 146 or lower amount as the Secretary of the Department of Health and
 147 Human Services may determine to be appropriate for any fiscal year to
 148 reflect increases or decreases in administrative costs. The court in
 149 which a child support obligation is sought to be enforced may order
 150 the obligor to reimburse the state for such application fee. Recipients of
 151 [TANF] TFA, foster care or Medicaid assistance whose eligibility for
 152 aid is terminated shall be entitled to continuation of child support
 153 enforcement services without requiring an application or the payment
 154 of an application fee.

155 Sec. 4. Subsection (l) of section 17b-179 of the general statutes is
 156 repealed and the following is substituted in lieu thereof (*Effective*
 157 *October 1, 2009*):

158 (l) The [Connecticut] Bureau of Child Support Enforcement [Bureau]
 159 shall arrange to provide a single centralized automated system for the
 160 reporting of collections on all accounts established for the collection of
 161 all IV-D support orders. Such reporting shall be made available to the
 162 Family Support Magistrate Division and to all state agencies which
 163 have a cooperative agreement with the IV-D agency. [On or before
 164 October 1, 1998, such] Such automated system shall include a state case
 165 registry which complies with federal law and regulations. The state
 166 case registry shall contain information on each support order
 167 established or modified in this state.

168 Sec. 5. Subparagraphs (A) and (B) of subdivision (5) of subsection (a)
 169 of section 17b-745 of the general statutes are repealed and the
 170 following is substituted in lieu thereof (*Effective October 1, 2009*):

171 (5) (A) The court or family support magistrate may also make and
 172 enforce orders for the payment by any person named herein of past-
 173 due support for which any such person is liable in accordance with the
 174 provisions of [subsection (b) of section 17b-179, or] section 17a-90,
 175 17b-81, subsection (b) of section 17b-179, section 17b-223, 46b-129 or

176 46b-130, [or] as amended by this act, and, in IV-D cases, [and] order
 177 such person, provided such person is not incapacitated, to participate
 178 in work activities that may include, but shall not be limited to, job
 179 search, training, work experience and participation in the job training
 180 and retraining program established by the Labor Commissioner
 181 pursuant to section 31-3t. [The father's] A parent's liability for past-due
 182 support of a child [born out of wedlock] shall be limited to the three
 183 years next preceding the filing of a petition pursuant to this section.

184 (B) In the determination of child support due based on neglect or
 185 refusal to furnish support prior to the action, the support due for
 186 periods of time prior to the action shall be based upon the obligor's
 187 ability to pay during such prior periods, as determined in accordance
 188 with the child support guidelines established pursuant to section 46b-
 189 215a, as amended by this act. The state shall disclose to the court any
 190 information in its possession concerning current and past ability to
 191 pay. If no information is available to the court concerning past ability
 192 to pay, the court may determine the support due for periods of time
 193 prior to the action as if past ability to pay is equal to current ability to
 194 pay, if current ability is known. If current ability to pay is not known,
 195 the court shall determine the past ability to pay based on the obligor's
 196 work history if known, or if not known, on the state minimum wage
 197 that was in effect during such periods, provided only actual earnings
 198 shall be used to determine ability to pay for past periods during which
 199 the obligor was a full-time high school student or was incarcerated,
 200 institutionalized or incapacitated.

201 Sec. 6. Subdivision (8) of subsection (a) of section 17b-745 of the
 202 general statutes is repealed and the following is substituted in lieu
 203 thereof (*Effective October 1, 2009*):

204 (8) Failure of any defendant to obey an order of the court or Family
 205 Support Magistrate Division made under this section may be punished
 206 as contempt of court. If the summons and order is signed by a
 207 commissioner of the Superior Court, upon proof of service of the

208 summons to appear in court or before a family support magistrate and
 209 upon the failure of the defendant to appear at the time and place
 210 named for hearing upon the petition, request may be made by the
 211 petitioner to the court or family support magistrate for an order that a
 212 capias mittimus be issued. Except as otherwise provided, upon proof
 213 of the service of the summons to appear in court or before a family
 214 support magistrate at the time and place named for a hearing upon the
 215 failure of the defendant to obey the court order as contempt of court,
 216 the court or the family support magistrate may order a capias mittimus
 217 to be issued and directed to [some] a judicial marshal pursuant to
 218 section 47 of this act, or any other proper officer to arrest such
 219 defendant and bring such defendant before the Superior Court for the
 220 contempt hearing. The costs of commitment of any person imprisoned
 221 therefor shall be paid by the state as in criminal cases. When any such
 222 defendant is so found in contempt, the court or family support
 223 magistrate may award to the petitioner a reasonable attorney's fee and
 224 the fees of the officer serving the contempt citation, such sums to be
 225 paid by the person found in contempt.

226 Sec. 7. Subsection (b) of section 17b-745 of the general statutes is
 227 repealed and the following is substituted in lieu thereof (*Effective*
 228 *October 1, 2009*):

229 (b) Except as provided in sections 46b-212 to [46b-213v] 46b-213w,
 230 inclusive, any court or family support magistrate, called upon to
 231 enforce a support order, shall insure that such order is reasonable in
 232 light of the obligor's ability to pay. Except as provided in sections 46b-
 233 212 to [46b-213v] 46b-213w, inclusive, any support order entered
 234 pursuant to this section, or any support order from another jurisdiction
 235 subject to enforcement by the state of Connecticut, may be modified by
 236 motion of the party seeking such modification, including Support
 237 Enforcement Services in [TANF] IV-D support cases as defined in
 238 subdivision [(14)] (13) of subsection (b) of section 46b-231, as amended
 239 by this act, or as provided in subdivision (5) of subsection (s) of section
 240 46b-231, as amended by this act, upon a showing of a substantial

241 change in the circumstances of either party or upon a showing that the
 242 final order for child support substantially deviates from the child
 243 support guidelines established pursuant to section 46b-215a, as
 244 amended by this act, unless there was a specific finding on the record
 245 that the application of the guidelines would be inequitable or
 246 inappropriate, provided, in the case of a motion for modification, the
 247 court or family support magistrate finds that the obligor or the obligee
 248 and any other interested party have received actual notice of the
 249 pendency of such motion and of the time and place of the hearing on
 250 such motion. There shall be a rebuttable presumption that any
 251 deviation of less than fifteen per cent from the child support guidelines
 252 is not substantial and any deviation of fifteen per cent or more from
 253 the guidelines is substantial. Modification may be made of such
 254 support order without regard to whether the order was issued before,
 255 on or after May 9, 1991. In any hearing to modify any support order
 256 from another jurisdiction the court or the family support magistrate
 257 shall conduct the proceedings in accordance with [the procedure set
 258 forth in] sections 46b-213o to [46b-213q] 46b-213r, inclusive. No such
 259 support orders may be subject to retroactive modification except that
 260 the court or family support magistrate may order modification with
 261 respect to any period during which there is a pending motion for a
 262 modification of an existing support order from the date of service of
 263 notice of such pending motion upon the opposing party pursuant to
 264 section 52-50.

265 Sec. 8. Subsection (d) of section 19a-42 of the general statutes is
 266 repealed and the following is substituted in lieu thereof (*Effective*
 267 *October 1, 2009*):

268 (d) (1) Upon receipt of (A) an acknowledgment of paternity
 269 executed in accordance with the provisions of subsection (a) of section
 270 46b-172, as amended by this act, by both parents of a child born out of
 271 wedlock, or (B) a certified copy of an order of a court of competent
 272 jurisdiction establishing the paternity of a child born out of wedlock,
 273 the commissioner shall include on or amend, as appropriate, such

274 child's birth certificate to show such paternity if paternity is not
275 already shown on such birth certificate and to change the name of the
276 child if so indicated on the acknowledgment of paternity form or
277 within the certified court order as part of the paternity action.

278 (2) If another father is listed on the birth certificate, the
279 commissioner shall not remove or replace the father's information
280 unless presented with a certified court order that meets the
281 requirements specified in section 7-50, or upon the proper filing of a
282 rescission, in accordance with the provisions of section 46b-172, as
283 amended by this act. The commissioner shall thereafter amend such
284 child's birth certificate to remove or change the father's name and to
285 change the name of the child, as requested at the time of the filing of a
286 rescission, in accordance with the provisions of section 46b-172, as
287 amended by this act. Birth certificates amended under this subsection
288 shall not be marked "Amended".

289 [(3) A fee of twenty-five dollars shall be charged by the department
290 for each amendment to a birth certificate requested pursuant to this
291 subsection which request is not received from a hospital, a state agency
292 or a court of competent jurisdiction.]

293 Sec. 9. Section 19a-42a of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective October 1, 2009*):

295 (a) All (1) voluntary acknowledgments of paternity and rescissions
296 of such acknowledgments executed in accordance with subsection (a)
297 of section 46b-172, as amended by this act, and (2) adjudications of
298 paternity issued by a court or family support magistrate under section
299 46b-171, as amended by this act, section 46b-172a or any other
300 provision of the general statutes shall be filed in the paternity registry
301 maintained by the Department of Public Health. All information in
302 such registry shall be made available to the IV-D agency, as defined in
303 subdivision (12) of subsection (b) of section 46b-231, as amended by
304 this act, for comparison with information in the state case registry
305 established under subsection (l) of section 17b-179, as amended by this

306 act. The IV-D agency may disclose information in the paternity registry
 307 to an agency under cooperative agreement with the IV-D agency for
 308 child support enforcement purposes.

309 (b) Except for the IV-D agency, as provided in subsection (a) of this
 310 section, the department shall restrict access to and issuance of certified
 311 copies of acknowledgments of paternity to the following parties: (1)
 312 Parents named on the acknowledgment of paternity; (2) the person
 313 whose birth is acknowledged, if such person is over eighteen years of
 314 age; (3) an authorized representative of the Department of Social
 315 Services; (4) an attorney representing such person or a parent named
 316 on the acknowledgment; or (5) agents of a state or federal agency, as
 317 approved by the department.

318 Sec. 10. Section 29-1g of the general statutes is repealed and the
 319 following is substituted in lieu thereof (*Effective October 1, 2009*):

320 The Commissioner of Public Safety may appoint not more than
 321 ~~[four]~~ eight persons nominated by the Commissioner of Social Services
 322 as special policemen in the Bureau of Child Support Enforcement of
 323 the Department of Social Services for the service of any warrant or
 324 capias mittimus issued by the courts on child support matters. Such
 325 appointees, having been sworn, shall serve at the pleasure of the
 326 Commissioner of Public Safety and, during such tenure, shall have all
 327 the powers conferred on state policemen and state marshals.

328 Sec. 11. Subdivision (4) of subsection (b) of section 46b-56c of the
 329 general statutes is repealed and the following is substituted in lieu
 330 thereof (*Effective October 1, 2009*):

331 (4) On motion or petition of a parent, the court may enter an
 332 educational support order at the time of entering an order pursuant to
 333 any other provision of the general statutes authorizing the court to
 334 make an order of support for a child, subject to the provisions of
 335 sections 46b-212 to ~~[46b-213v]~~ 46b-213w, inclusive, as amended by this
 336 act.

337 Sec. 12. Section 46b-62 of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective October 1, 2009*):

339 In any proceeding seeking relief under the provisions of this chapter
340 and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to [46b-
341 213v] 46b-213w, inclusive, as amended by this act, 47-14g, 51-348a and
342 52-362, as amended by this act, the court may order either spouse or, if
343 such proceeding concerns the custody, care, education, visitation or
344 support of a minor child, either parent to pay the reasonable attorney's
345 fees of the other in accordance with their respective financial abilities
346 and the criteria set forth in section 46b-82. If, in any proceeding under
347 this chapter and said sections, the court appoints an attorney for a
348 minor child, the court may order the father, mother or an intervening
349 party, individually or in any combination, to pay the reasonable fees of
350 the attorney or may order the payment of the attorney's fees in whole
351 or in part from the estate of the child. If the child is receiving or has
352 received state aid or care, the compensation of the attorney shall be
353 established and paid by the Commission on Child Protection.

354 Sec. 13. Subsection (c) of section 46b-86 of the general statutes is
355 repealed and the following is substituted in lieu thereof (*Effective*
356 *October 1, 2009*):

357 (c) When one of the parties, or a child of the parties, is receiving or
358 has received aid or care from the state under its aid to families with
359 dependent children [program] or temporary family assistance [for
360 needy families] program, HUSKY Plan, Part A, or [under its] foster
361 care program as provided in Title IV-E of the Social Security Act, or
362 [where] when one of the parties has applied for child support
363 enforcement services under Title IV-D of the Social Security Act as
364 provided in section 17b-179, as amended by this act, such motion to
365 modify shall be filed with the Family Support Magistrate Division for
366 determination in accordance with subsection (m) of section 46b-231, as
367 amended by this act.

368 Sec. 14. Section 46b-130 of the general statutes is repealed and the

369 following is substituted in lieu thereof (*Effective October 1, 2009*):

370 The parents of a minor child for whom care or support of any kind
371 has been provided under the provisions of this chapter shall be liable
372 to reimburse the state for such care or support to the same extent, and
373 under the same terms and conditions, as are the parents of recipients of
374 public assistance. Upon receipt of foster care maintenance payments
375 under Title IV-E of the Social Security Act by a minor child, the right of
376 support, present, past, and future, from a parent of such child shall, by
377 this section, be assigned to the Commissioner of Children and
378 Families. Referral by the commissioner shall promptly be made to the
379 Bureau of Child Support Enforcement [Unit] of the Department of
380 Social Services for pursuit of support for such minor child in
381 accordance with the provisions of section 17b-179, as amended by this
382 act. Any child who reimburses the state under the provisions of
383 subsection (l) of section 46b-129 for any care or support such child
384 received shall have a right of action to recover such payments from
385 such child's parents.

386 Sec. 15. Subsection (a) of section 46b-168a of the general statutes is
387 repealed and the following is substituted in lieu thereof (*Effective*
388 *October 1, 2009*):

389 (a) In any IV-D support case, as defined in subdivision (13) of
390 subsection (b) of section 46b-231, as amended by this act, in which the
391 paternity of a child is at issue, or in any case in which a support
392 enforcement agency is providing services to a petitioner in a
393 proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive,
394 as amended by this act, in which the paternity of a child is at issue, the
395 IV-D agency or the support enforcement agency shall require the child
396 and all other parties other than individuals who have good cause for
397 refusing to cooperate or who are subject to other exceptions to submit
398 to genetic tests which shall mean deoxyribonucleic acid tests, to be
399 performed by a hospital, accredited laboratory, qualified physician or
400 other qualified person designated by such agency, to determine

401 whether or not the putative father or husband is the father of the child,
 402 upon the request of any such party, provided such request is
 403 supported by a sworn statement by the party which either (1) alleges
 404 paternity and sets forth facts establishing a reasonable possibility of
 405 the requisite sexual contact between the parties, or (2) denies paternity
 406 and sets forth facts establishing a reasonable possibility of the
 407 nonexistence of sexual contact between the parties.

408 Sec. 16. Section 46b-170 of the general statutes is repealed and the
 409 following is substituted in lieu thereof (*Effective October 1, 2009*):

410 No [such] petition under section 46b-160 shall be withdrawn except
 411 upon approval of a judge or in IV-D support cases as defined in
 412 subsection (b) of section 46b-231, as amended by this act, and petitions
 413 brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as
 414 amended by this act, the family support magistrate assigned to the
 415 judicial district in which the petition was brought. Any agreement of
 416 settlement, before or after a petition has been brought, other than an
 417 agreement made under the provisions of section 46b-172, as amended
 418 by this act, between the mother and putative father shall take effect
 419 only upon approval of the terms thereof by a judge of the Superior
 420 Court, or family support magistrate assigned to the judicial district in
 421 which the mother or the putative father resides and, in the case of
 422 children supported by the state or the town, on the approval of the
 423 Commissioner of Social Services or the Attorney General. When so
 424 approved, such agreements shall be binding upon all persons
 425 executing them, whether such person is a minor or an adult.

426 Sec. 17. Subdivision (3) of subsection (a) of section 46b-171 of the
 427 general statutes is repealed and the following is substituted in lieu
 428 thereof (*Effective October 1, 2009*):

429 (3) The court or family support magistrate may also make and
 430 enforce orders for the payment by any person named herein of past-
 431 due support for which the defendant is liable in accordance with the
 432 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,

433 as amended by this act, section 17a-90, 46b-129 or 46b-130, as amended
434 by this act, and, in IV-D cases, [and] order such person, provided such
435 person is not incapacitated, to participate in work activities which may
436 include, but shall not be limited to, job search, training, work
437 experience and participation in the job training and retraining program
438 established by the Labor Commissioner pursuant to section 31-3t. The
439 defendant's liability for past-due support under this subdivision shall
440 be limited to the three years next preceding the filing of the petition.

441 Sec. 18. Subdivision (1) of subsection (b) of section 46b-172 of the
442 general statutes is repealed and the following is substituted in lieu
443 thereof (*Effective October 1, 2009*):

444 (b) (1) An agreement to support the child by payment of a periodic
445 sum until the child attains the age of eighteen years or as otherwise
446 provided in this subsection, together with provisions for
447 reimbursement for past-due support based upon ability to pay in
448 accordance with the provisions of subsection (b) of section 17b-179, as
449 amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-
450 130, as amended by this act, and reasonable expense of prosecution of
451 the petition, when filed with and approved by a judge of the Superior
452 Court, or in IV-D support cases and matters brought under sections
453 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, a
454 family support magistrate at any time, shall have the same force and
455 effect, retroactively or prospectively in accordance with the terms of
456 said agreement, as an order of support entered by the court, and shall
457 be enforceable and subject to modification in the same manner as is
458 provided by law for orders of the court in such cases. If such child is
459 unmarried and a full-time high school student, such support shall
460 continue according to the parents' respective abilities, if such child is in
461 need of support, until such child completes the twelfth grade or attains
462 the age of nineteen, whichever occurs first.

463 Sec. 19. Subdivision (1) of subsection (c) of section 46b-172 of the
464 general statutes is repealed and the following is substituted in lieu

thereof (*Effective October 1, 2009*):

(c) (1) At any time after the signing of any acknowledgment of paternity, upon the application of any interested party, the court or any judge thereof or any family support magistrate in IV-D support cases and in matters brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, shall cause a summons, signed by such judge or family support magistrate, by the clerk of the court or by a commissioner of the Superior Court, to be issued, requiring the acknowledged father to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons, to show cause why the court or the family support magistrate assigned to the judicial district in IV-D support cases should not enter judgment for support of the child by payment of a periodic sum until the child attains the age of eighteen years or as otherwise provided in this subsection, together with provision for reimbursement for past-due support based upon ability to pay in accordance with the provisions of subsection (b) of section 17b-179, as amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, as amended by this act, a provision for health coverage of the child as required by section 46b-215, as amended by this act, and reasonable expense of the action under this subsection. If such child is unmarried and a full-time high school student such support shall continue according to the parents' respective abilities, if such child is in need of support, until such child completes the twelfth grade or attains the age of nineteen, whichever occurs first.

Sec. 20. Section 46b-207 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

The court is authorized to establish and maintain Support Enforcement Services and such offices thereof as it determines are necessary for the proper handling of the administrative details incident to proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and may appoint such personnel as

497 necessary for the proper administration of the nonjudicial functions of
498 proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive,
499 as amended by this act.

500 Sec. 21. Section 46b-208 of the general statutes is repealed and the
501 following is substituted in lieu thereof (*Effective October 1, 2009*):

502 The support service investigators of Support Enforcement Services
503 of the Superior Court shall, while acting within the scope of their
504 duties as such, pursuant to matters under sections 46b-212 to [46b-
505 213v] 46b-213w, inclusive, as amended by this act, have the powers of
506 service and of execution of summons and orders for withholding, and
507 the conduct of investigations.

508 Sec. 22. Subsection (a) of section 46b-213d of the general statutes is
509 repealed and the following is substituted in lieu thereof (*Effective*
510 *October 1, 2009*):

511 (a) The Bureau of Child Support Enforcement [Bureau] of the
512 Department of Social Services or its designated collection agent, and
513 any tribunal shall disburse promptly any amounts received pursuant
514 to a support order, as directed by the order. The bureau, agent or
515 tribunal shall furnish to a requesting party or tribunal of another state
516 a certified statement by the custodian of the record of the amounts and
517 dates of all payments received.

518 Sec. 23. Section 46b-213w of the general statutes is repealed and the
519 following is substituted in lieu thereof (*Effective October 1, 2009*):

520 (a) An income withholding order issued in another state may be
521 sent by or on behalf of the obligee, or by the support enforcement
522 agency, to the person defined as the obligor's employer under section
523 52-362 without first filing a petition or comparable pleading or
524 registering the order in the registry of support orders of the Family
525 Support Magistrate Division.

526 (b) Upon receipt of an income withholding order issued in another

527 state, the obligor's employer shall immediately provide to the obligor
528 (1) a copy of the order, and (2) a copy of the notice and claim form
529 provided by the Department of Social Services pursuant to subsection
530 (c) of this section.

531 (c) The Department of Social Services shall [distribute] make
532 available to all employers in this state a standard notice and claim
533 form, written in clear and simple language, which shall include:

534 (1) Notice that money will be withheld from the employee's wages
535 for child support and health insurance;

536 (2) Notice of the amount of disposable earnings that are exempt
537 from the income withholding order;

538 (3) Notice that the amount of the income withholding order may not
539 exceed the maximum permitted by federal law under Section 1673 of
540 Title 15 of the United States Code, together with a statement of the
541 obligor's right to claim any other applicable state or federal
542 exemptions;

543 (4) Notice of the right to object to the validity or enforcement of such
544 income withholding order in a court in this state and of the right to
545 seek modification of the underlying support order in the court of
546 continuing exclusive jurisdiction;

547 (5) Notice of the right to seek the assistance of the Bureau of Child
548 Support Enforcement of the Department of Social Services and the toll-
549 free telephone number at which the bureau can be contacted;

550 (6) A claim form which shall include (A) a list of the most common
551 defenses and exemptions to such income withholding order in a
552 manner which allows the obligor to check any of the defenses and
553 exemptions which apply; (B) a space where the obligor may briefly
554 explain the obligor's claim or defense; (C) a space where the obligor
555 may initiate a request for services to modify the support order and the
556 address of the Bureau of Child Support Enforcement of the

557 Department of Social Services to which such request may be sent; (D) a
558 space for the obligor to provide the obligor's address and the name of
559 the town in which the obligor principally conducts the obligor's work
560 for the employer; (E) a space for the obligor to sign the obligor's name;
561 (F) the address of [the Bureau of Child Support Enforcement of the
562 Department of Social Services] Support Enforcement Services to which
563 the claim form is to be sent; [in order to contest the validity or
564 enforcement of the income withholding order or to initiate a request
565 for modification;] and (G) space for the employer to state the date
566 upon which the form was actually delivered to the obligor.

567 (d) The employer shall treat an income withholding order issued in
568 another state which appears regular on its face as if it had been issued
569 by a tribunal of this state.

570 (e) Except as otherwise provided in subsections (f), [and] (g) and (l)
571 of this section, the employer shall withhold and distribute the funds as
572 directed in the withholding order by complying with terms of the
573 order which specify: (1) The duration and amount of periodic
574 payments of current child support, stated as a sum certain; (2) the
575 person designated to receive payments and the address to which the
576 payments are to be forwarded; (3) medical support, whether in the
577 form of periodic cash payment, stated as a sum certain, or ordering the
578 obligor to provide health insurance coverage for the child under a
579 policy available through the obligor's employment, subject to the
580 provisions of subsection (e) of section 38a-497a; (4) the amount of
581 periodic payments of fees and costs for a support enforcement agency,
582 the issuing tribunal and the obligee's attorney, stated as sums certain;
583 and (5) the amount of periodic payments of arrearages and interest on
584 arrearages, stated as sums certain.

585 (f) The employer shall comply with the law of this state for
586 withholding from income with respect to: (1) The prohibition against
587 an employer's fee for processing an income withholding order; (2) the
588 maximum amount permitted to be withheld from the obligor's income;

589 and (3) the time period within which the employer must implement
590 the withholding order and forward the child support payment.

591 (g) If an employer receives two or more income withholding orders
592 with respect to the earnings of the same obligor, the employer satisfies
593 the terms of such orders if the employer complies with the law of this
594 state to establish the priorities for withholding and allocating income
595 withheld for two or more child support obligees.

596 (h) An employer who complies with an income withholding order
597 issued in another state in accordance with this section shall be immune
598 from civil liability with regard to the employer's withholding of child
599 support from the obligor's income.

600 (i) An employer who wilfully fails to comply with an income
601 withholding order issued by another state and received for
602 enforcement is subject to the same penalties that may be imposed for
603 noncompliance with an order issued by a tribunal of this state.

604 (j) An obligor may contest the validity or enforcement of an income
605 withholding order issued in another state and received directly by an
606 employer in this state by: (1) Registering the order in accordance with
607 section 46b-213h and filing a contest to that order as provided in
608 section 46b-213l notwithstanding the obligor is the registering party;
609 (2) otherwise contesting the order in the same manner as if the order
610 had been issued by a tribunal of this state; or (3) mailing to [the Bureau
611 of Child Support Enforcement of the Department of Social Services]
612 Support Enforcement Services the claim form delivered to the obligor
613 pursuant to subsection (b) of this section, signed by the obligor and
614 containing his address and a copy of the income withholding order.
615 The obligor shall also deliver a copy of such claim form to the
616 employer.

617 (k) Upon receipt of a claim form contesting the validity or
618 enforcement of an income withholding order, [the Bureau of Child
619 Support Enforcement shall within seven days notify the employer of

620 the receipt of the claim form. The bureau] Support Enforcement
 621 Services shall; [also give] (1) Give notice of the contest to [(1)] (A) the
 622 support enforcement agency providing services to the obligee; [(2)] (B)
 623 each employer that has directly received an income withholding order
 624 relating to the obligor; [(3)] (C) the person designated to receive
 625 payments in the income withholding order; and [(4)] (D) if the
 626 obligee's address is known, the obligee; [. In addition, the bureau shall
 627 immediately cause the income withholding order to be registered in
 628 this state in accordance with section 46b-213h. The bureau shall also
 629 immediately] (2) file the claim form and a copy of the income
 630 withholding order on behalf of the obligor with [Support Enforcement
 631 Services acting on behalf of] the Family Support Magistrate Division;
 632 (3) notify the person or agency that sent the income withholding order
 633 to file not less than ten days before the scheduled hearing: (A) Two
 634 copies, including one certified copy of the underlying support order,
 635 including any modification of such order; and (B) a sworn statement
 636 showing the amount of any arrearage together with the last court
 637 determination of an arrearage and an accounting of the arrearage since
 638 such determination.

639 (l) [The] Upon receipt of a claim form filed by Support Enforcement
 640 Services on behalf of the obligor in accordance with subsection (k) of
 641 this section, the clerk shall promptly enter the appearance of the
 642 obligor, schedule a hearing, and give notice of the hearing to the
 643 obligor, [the Bureau of Child Support Enforcement,] Support
 644 Enforcement Services, the party initiating the income withholding
 645 order, and, if the obligee's address is known, the obligee. [The clerk
 646 shall proceed in accordance with subsection (d) of section 52-362.] The
 647 family support magistrate shall promptly hear and determine the
 648 claim and enter its determination within forty-five days from the date
 649 of the filing of the claim form. The family support magistrate shall use
 650 the procedures in sections 46b-213a to 46b-213c, inclusive, to obtain
 651 additional evidence and information as needed for a prompt
 652 determination on the claim. If the person or agency that sent the
 653 income withholding order fails to file the documents described in

654 subdivision (3) of subsection (k) of this section or fails to comply with a
 655 reasonable request for information or documents made under section
 656 46b-123b or 46b-213c, the family support magistrate may: (1) Continue
 657 the hearing for a period of not more than an additional forty-five days
 658 and direct the clerk or Support Enforcement Services to provide such
 659 notice as may be appropriate; (2) order a temporary or partial stay of
 660 income withholding for a period not to exceed forty-five days; or (3)
 661 sustain the obligor's objection to the validity or enforcement of the
 662 income withholding order and enjoin the employer from complying
 663 with such order. In addition to any notice given by the clerk, upon
 664 entry of the decision of the family support magistrate on the claim, [the
 665 bureau] Support Enforcement Services shall give notice of the decision
 666 to each employer that has directly received an income withholding
 667 order related to the obligor, the party initiating the income
 668 withholding order, the obligor and, if the obligee's address is known,
 669 the obligee.

670 [(l)] (m) If the claim form requests services to modify the support
 671 order, the Bureau of Child Support Enforcement shall assist the obligor
 672 to file a motion for modification with the appropriate tribunal of the
 673 state of continuing exclusive jurisdiction in accordance with the law of
 674 that jurisdiction. The receipt of the request for modification shall
 675 constitute a request for Title IV-D services, but the bureau may require
 676 the making of a formal application. Such assistance shall include, but is
 677 not limited to, providing the obligor with information about how such
 678 a motion is filed, contacting the state of continuing exclusive
 679 jurisdiction on behalf of the obligor to obtain appropriate forms, and
 680 transmitting such forms and applicable information to the appropriate
 681 tribunal in such state.

682 [(m)] (n) Venue for contested claims under this section shall be the
 683 family support magistrate division of the superior court in the judicial
 684 district in which the obligor resides, provided (1) if the obligor does
 685 not reside in this state, venue shall be in the judicial district in which
 686 the obligor principally conducts his work for the employer who is

687 subject to the income withholding order, and (2) if there is an existing
688 action concerning support of the child or children who are the subject
689 of the income withholding order, the claim shall be filed in that action.

690 Sec. 24. Subdivision (1) of subsection (a) of section 46b-215 of the
691 general statutes is repealed and the following is substituted in lieu
692 thereof (*Effective October 1, 2009*):

693 (a) (1) (A) The Superior Court or a family support magistrate may
694 make and enforce orders for payment of support against any person
695 who neglects or refuses to furnish necessary support to such person's
696 spouse or a child under the age of eighteen or as otherwise provided in
697 this subsection, according to such person's ability to furnish such
698 support, notwithstanding the provisions of section 46b-37. If such child
699 is unmarried and a full-time high school student, such support shall
700 continue according to the parents' respective abilities, if such child is in
701 need of support, until such child completes the twelfth grade or attains
702 the age of nineteen, whichever occurs first.

703 (B) Notwithstanding subparagraph (A) of this subdivision, the IV-D
704 agency, as defined in subdivision (12) of subsection (b) of section 46b-
705 231, as amended by this act, shall not be required to allege or prove the
706 defendant's neglect or refusal to support when petitioning for the
707 support of a child in a IV-D support case, as defined in subdivision
708 (13) of subsection (b) of section 46b-231, as amended by this act.

709 Sec. 25. Subparagraph (A) of subdivision (7) of subsection (a) of
710 section 46b-215 of the general statutes is repealed and the following is
711 substituted in lieu thereof (*Effective October 1, 2009*):

712 (7) (A) The court or family support magistrate may also determine,
713 order and enforce payment of any support due because of neglect or
714 refusal to furnish support for periods prior to the action. [In the case of
715 a child born out of wedlock whose parents have not intermarried, the
716 father's] A parent's liability for such support shall be limited to the
717 three years next preceding the filing of a petition or written agreement

718 to support pursuant to this section.

719 Sec. 26. Subparagraph (C) of subdivision (8) of subsection (a) of
720 section 46b-215 of the general statutes is repealed and the following is
721 substituted in lieu thereof (*Effective October 1, 2009*):

722 (C) The court [.] or any judge thereof, when said court or judge is
723 not sitting, or a family support magistrate, when said [court or] family
724 support magistrate is not sitting, may require the defendant or
725 defendants to become bound, with sufficient surety, to the state, town
726 or person bringing the complaint, to abide such judgment as may be
727 rendered on such complaint. Failure of the defendant or defendants to
728 obey any order made under this section, may be punished as contempt
729 of court and the costs of commitment of any person imprisoned
730 therefor shall be paid by the state as in criminal cases. Except as
731 otherwise provided, upon proof of the service of the summons to
732 appear in court or before a family support magistrate at the time and
733 place named for a hearing upon the failure of the defendant or
734 defendants to obey such court order or order of the family support
735 magistrate, the court or family support magistrate may order a *capias*
736 *mittimus* be issued, and directed to [some] a judicial marshal pursuant
737 to section 47 of this act or any other proper officer to arrest such
738 defendant or defendants and bring such defendant or defendants
739 before the Superior Court for the contempt hearing. When any person
740 is found in contempt under this section, the court or family support
741 magistrate may award to the petitioner a reasonable attorney's fee and
742 the fees of the officer serving the contempt citation, such sums to be
743 paid by the person found in contempt.

744 Sec. 27. Subsection (b) of section 46b-215 of the general statutes is
745 repealed and the following is substituted in lieu thereof (*Effective*
746 *October 1, 2009*):

747 (b) The Attorney General of the state of Connecticut and the
748 attorney representing a town, shall become a party for the interest of
749 the state of Connecticut and such town, in any proceedings for support

750 which concerns any person who is receiving or has received public
751 assistance or care from the state or any town. The Attorney General
752 shall represent the IV-D agency in [non-TANF] non-TFA IV-D support
753 cases if the IV-D agency determines that such representation is
754 required pursuant to guidelines issued by the Commissioner of Social
755 Services.

756 Sec. 28. Subsection (e) of section 46b-215 of the general statutes is
757 repealed and the following is substituted in lieu thereof (*Effective*
758 *October 1, 2009*):

759 (e) [Any] Except as provided in sections 46b-212 to 46b-213w,
760 inclusive, as amended by this act, any court or family support
761 magistrate, called upon to enforce a support order, shall insure that
762 such order is reasonable in light of the obligor's ability to pay. [Any]
763 Except as provided in sections 46b-212 to 46b-213w, inclusive, as
764 amended by this act, any support order entered pursuant to this
765 section, or any support order from another jurisdiction subject to
766 enforcement by the state of Connecticut, may be modified by motion of
767 the party seeking such modification upon a showing of a substantial
768 change in the circumstances of either party or upon a showing that
769 such support order substantially deviates from the child support
770 guidelines established pursuant to section 46b-215a, as amended by
771 this act, unless there was a specific finding on the record that the
772 application of the guidelines would be inequitable or inappropriate,
773 provided the court or family support magistrate finds that the obligor
774 or the obligee and any other interested party have received actual
775 notice of the pendency of such motion and of the time and place of the
776 hearing on such motion. There shall be a rebuttable presumption that
777 any deviation of less than fifteen per cent from the child support
778 guidelines is not substantial and any deviation of fifteen per cent or
779 more from the guidelines is substantial. Modification may be made of
780 such support order without regard to whether the order was issued
781 before, on or after May 9, 1991. No such support orders may be subject
782 to retroactive modification, except that the court or family support

783 magistrate may order modification with respect to any period during
 784 which there is a pending motion for a modification of an existing
 785 support order from the date of service of the notice of such pending
 786 motion upon the opposing party pursuant to section 52-50. In any
 787 hearing to modify any support order from another jurisdiction the
 788 court or the family support magistrate shall conduct the proceedings in
 789 accordance with [the procedure set forth in] sections 46b-213o to [46b-
 790 213q] 46b-213r, inclusive.

791 Sec. 29. Section 46b-215a of the general statutes is repealed and the
 792 following is substituted in lieu thereof (*Effective October 1, 2009*):

793 (a) The Commission for Child Support Guidelines is established to
 794 [review the] issue child support and arrearage guidelines
 795 [promulgated pursuant to section 8 of public act 85-548*, to establish
 796 criteria for the establishment of guidelines] to ensure the
 797 appropriateness of criteria for the establishment of child support
 798 awards and to issue updated guidelines [not later than October 1, 1993,
 799 and] every four years. [thereafter. Not later than January 1, 1992, the
 800 commission shall also establish criteria and promulgate guidelines to
 801 ensure that such] Such guidelines shall ensure, subject to section 46b-
 802 215c, as amended by this act, that the child support award consisting
 803 of current support, health care coverage, child care contribution and
 804 orders of payment on any arrearage and past due support shall be
 805 based on the income of both parents and the obligor's ability to pay.
 806 Such guidelines shall also ensure the appropriateness of periodic
 807 [payments of] payment orders on arrearages when the obligor (1) is the
 808 child's legal guardian and resides with the child, or (2) is not the child's
 809 legal guardian but has resided with the child either for at least six
 810 months immediately preceding the order of payment [of] on the
 811 arrears or for at least six months of the twelve months immediately
 812 preceding such order. [In such cases, the commission shall consider
 813 exemptions similar to those in the uniform contribution scale adopted
 814 pursuant to section 4a-12. Updated arrearage guidelines shall be issued
 815 at the same time as the child support guidelines.]

816 (b) The commission shall consist of eleven members as follows: The
 817 Chief Court Administrator or his designee, the Commissioner of Social
 818 Services or his designee, the Attorney General or his designee, the
 819 chairpersons and ranking members of the joint standing committee on
 820 judiciary or their designees and a representative of the Connecticut Bar
 821 Association [, a representative of legal services, a person who]
 822 designated by the association, and three members appointed by the
 823 Governor, one of whom represents legal services, one of whom
 824 represents the financial concerns of child support obligors and [a
 825 representative of] one of whom represents the Permanent Commission
 826 on the Status of Women. [, all of whom shall be appointed by the
 827 Governor.] The Commissioner of Social Services shall convene the
 828 commission whenever a review is required to issue updated guidelines
 829 pursuant to subsection (a) of this section. The chairperson of the
 830 commission shall be elected by the members of the commission. A
 831 vacancy on the commission at any time shall not invalidate any actions
 832 taken by the commission during such vacancy, provided at least nine
 833 members are serving at such time.

834 Sec. 30. Section 46b-215b of the general statutes is repealed and the
 835 following is substituted in lieu thereof (*Effective October 1, 2009*):

836 (a) The child support and arrearage guidelines [established] issued
 837 pursuant to section 46b-215a, as amended by this act, adopted as
 838 regulations pursuant to section 46b-215c, as amended by this act, and
 839 in effect on the date of the support determination shall be considered
 840 in all determinations of child support award amounts, including any
 841 current support, health care coverage, child care contribution and past-
 842 due support amounts, and payment on arrearages and past-due
 843 support within the state. In all such determinations, there shall be a
 844 rebuttable presumption that the amount of such awards which
 845 resulted from the application of such guidelines is the amount [of
 846 support, including any past-due support, or payment on any arrearage
 847 or past-due support] to be ordered. A specific finding on the record
 848 that the application of the guidelines would be inequitable or

849 inappropriate in a particular case, as determined under the deviation
850 criteria established by the Commission for Child Support Guidelines
851 under section 46b-215a, as amended by this act, shall be required in
852 order to rebut the presumption in such case.

853 (b) In any determination pursuant to subsection (a) of this section,
854 when a party has been determined by the Social Security
855 Administration, or a state agency authorized to award disability
856 benefits, to qualify for disability benefits under the federal
857 Supplemental Security Income Program, the Social Security disability
858 program, the state supplement to the federal Supplemental Security
859 Income Program, or the state-administered general assistance
860 program, parental earning capacity shall not be a basis for deviating
861 from the presumptive support amount that results from the
862 application of the child support guidelines to such party's income.

863 (c) In any proceeding for the establishment or modification of a
864 child support award, the child support and arrearage guidelines shall
865 be considered in addition to and not in lieu of the criteria for such
866 awards established in sections 46b-84, 46b-86, as amended by this act,
867 46b-130, as amended by this act, 46b-171, as amended by this act, 46b-
868 172, as amended by this act, 46b-215, as amended by this act, 17b-179,
869 as amended by this act, and 17b-745, as amended by this act.

870 Sec. 31. Section 46b-215c of the general statutes is repealed and the
871 following is substituted in lieu thereof (*Effective October 1, 2009*):

872 (a) Notwithstanding the provisions of sections [46b-215] 46b-215a,
873 as amended by this act, and 46b-215b, as amended by this act, updated
874 child support and arrearage guidelines issued by the Commission for
875 Child Support Guidelines pursuant to section 46b-215a, as amended by
876 this act, shall be submitted by the commission to the standing
877 legislative regulation review committee and adopted as regulations in
878 accordance with the provisions of chapter 54.

879 (b) Nothing in this section shall affect the validity of a child support

880 order issued pursuant to any guidelines promulgated pursuant to
881 section 46b-215a, as amended by this act, prior to the approval of [any]
882 such guidelines pursuant to the provisions of this section.

883 Sec. 32. Subsection (b) of section 46b-231 of the general statutes is
884 repealed and the following is substituted in lieu thereof (*Effective*
885 *October 1, 2009*):

886 (b) For the purposes of this section:

887 (1) "Chief Family Support Magistrate" means the family support
888 magistrate designated by the Chief Court Administrator as provided
889 in subsection (g) of this section;

890 (2) "Child support enforcement services" means the services
891 provided by the IV-D agency or an agency under cooperative or
892 purchase of service agreement therewith pursuant to Title IV-D of the
893 Social Security Act, including, but not limited to, location;
894 establishment of paternity; establishment, modification and
895 enforcement of child and medical support orders and the collection
896 and distribution of support payments;

897 (3) "Commissioner" means the Commissioner of Social Services or a
898 designee or authorized representative;

899 (4) "Bureau of Child Support Enforcement" means a division within
900 the Department of Social Services established pursuant to section
901 17b-179, as amended by this act;

902 (5) "Department" means the Department of Social Services or any
903 bureau, division or agency of the Department of Social Services;

904 (6) "Family Support Magistrate Division" means a division of the
905 Superior Court created by this section for the purpose of establishing
906 and enforcing child and spousal support in IV-D cases and in cases
907 brought pursuant to sections 46b-212 to [46b-213v] 46b-213w,
908 inclusive, as amended by this act, utilizing quasi-judicial proceedings;

909 (7) "Family support magistrate" means a person [,] appointed as
910 provided in subsection (f) of this section to establish and enforce child
911 and spousal support orders;

912 (8) "Foster care cases" [are] means cases in which children are
913 receiving foster care under part I of chapter 319a or part I of chapter
914 815t, but does not include cases in which children reside in detention
915 facilities, forestry camps, training schools or other facilities operated
916 primarily for the detention of children adjudicated as delinquent;

917 (9) "Law" [includes] means both [common and statute] statutory and
918 common law;

919 (10) "Obligee" means any person to whom a duty of support is
920 owed;

921 (11) "Obligor" means any person owing a duty of support;

922 (12) "IV-D agency" means the Bureau of Child Support Enforcement
923 within the Department of Social Services, created by section 17b-179, as
924 amended by this act, and authorized to administer the child support
925 program mandated by Title IV-D of the Social Security Act;

926 (13) "IV-D support cases" [are those] means cases in which the IV-D
927 agency is providing child support enforcement services under Title IV-
928 D of the Social Security Act [, including all] pursuant to (A) an
929 application under subsection (h) of section 17b-179, as amended by this
930 act, or (B) referral of a (i) temporary family assistance case under
931 section 17b-112, which for the purposes of this section may be referred
932 to as "TFA", (ii) a Medicaid case under section 17b-261, or (iii) a foster
933 care [cases referred to the Bureau of Child Support Enforcement] case
934 under section 46b-130, as amended by this act; and

935 (14) "Support order" means a judgment, decree or order, whether
936 temporary, final or subject to modification, issued by a court or
937 another state's administrative agency of competent jurisdiction, for the
938 support and maintenance of a child, including a child who has attained

939 the age of majority under the law of the issuing state, or [a child and]
940 of the parent with whom the child is living, which provides for
941 monetary support, health care, arrearages or reimbursement, and
942 which may include related costs and fees, interest and penalties,
943 income withholding, attorneys' fees and other relief.

944 Sec. 33. Subsection (f) of section 46b-231 of the general statutes is
945 repealed and the following is substituted in lieu thereof (*Effective*
946 *October 1, 2009*):

947 (f) The Family Support Magistrate Division shall include nine family
948 support magistrates who shall be appointed by the Governor to serve
949 in that capacity for a term of three years. A family support magistrate
950 may be reappointed upon completion of [his] each term of office by the
951 Governor. To be eligible for appointment, a family support magistrate
952 must have engaged in the practice of law for five years prior to [his]
953 appointment and shall be experienced in the field of family law. [He]
954 The family support magistrate shall devote full time to [his] the duties
955 [as] of a family support magistrate and shall not engage in the private
956 practice of law. A family support magistrate may be removed from
957 office by the Governor for cause.

958 Sec. 34. Subsection (l) of section 46b-231 of the general statutes is
959 repealed and the following is substituted in lieu thereof (*Effective*
960 *October 1, 2009*):

961 (l) The judges of the Superior Court shall adopt rules of procedure
962 in accordance with the provisions of section 51-14 for the handling by
963 magistrates of IV-D support cases and in cases brought pursuant to
964 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this
965 act. Such rules of procedure shall conform when applicable to rules
966 adopted for the Superior Court.

967 Sec. 35. Subdivisions (1) to (3), inclusive, of subsection (m) of section
968 46b-231 of the general statutes are repealed and the following is
969 substituted in lieu thereof (*Effective October 1, 2009*):

970 (1) A family support magistrate in IV-D support cases may compel
971 the attendance of witnesses or the obligor under a summons issued
972 pursuant to sections 17b-745, as amended by this act, 46b-172, as
973 amended by this act, and 46b-215, as amended by this act, a subpoena
974 issued pursuant to section 52-143, or a citation for failure to obey an
975 order of a family support magistrate or a judge of the Superior Court.
976 If a person is served with any such summons, subpoena or citation
977 issued by a family support magistrate or the assistant clerk of the
978 Family Support Magistrate Division and fails to appear, a family
979 support magistrate may issue a capias mittimus directed to a judicial
980 marshal pursuant to section 47 of this act or any other proper officer to
981 arrest the obligor or the witness and bring him before a family support
982 magistrate. Whenever such a capias mittimus is ordered, the family
983 support magistrate shall establish a recognizance to the state of
984 Connecticut in the form of a bond of such character and amount as to
985 assure the appearance of the obligor at the next regular session of the
986 Family Support Magistrate Division in the judicial district in which the
987 matter is pending. If the obligor posts such a bond, and thereafter fails
988 to appear before the family support magistrate at the time and place he
989 is ordered to appear, the family support magistrate may order the
990 bond forfeited, and the proceeds thereof distributed as required by
991 Title IV-D of the Social Security Act.

992 (2) (A) Family support magistrates shall hear and determine matters
993 involving child and spousal support in IV-D support cases including
994 petitions for support brought pursuant to sections 17b-81, 17b-179, as
995 amended by this act, 17b-745, as amended by this act, and 46b-215, as
996 amended by this act; applications for show cause orders in IV-D
997 support cases brought pursuant to subsection (b) of section 46b-172, as
998 amended by this act, and actions for interstate enforcement of child
999 and spousal support and paternity under sections 46b-212 to [46b-
1000 213v] 46b-213w, inclusive, as amended by this act, and shall hear and
1001 determine all motions for modifications of child and spousal support
1002 in such cases.

1003 (B) In all IV-D support cases, family support magistrates shall have
1004 the authority to enter an order for the obligor's participation in an
1005 educational, training, skill-building, work, rehabilitation or similar
1006 program provided the family support magistrate finds that such order
1007 will significantly increase the obligor's ability to fulfill the duty of
1008 support within a reasonable period of time. When such an order is
1009 entered, the family support magistrate shall periodically review the
1010 obligor's progress in the program.

1011 (C) In all IV-D support cases, family support magistrates shall have
1012 the authority to order any obligor who is subject to a plan for
1013 reimbursement of past-due support and is not incapacitated, to
1014 participate in work activities which may include, but shall not be
1015 limited to, job search, training, work experience and participation in
1016 the job training and retraining program established by the Labor
1017 Commissioner pursuant to section 31-3t.

1018 (D) A family support magistrate shall not modify an order for
1019 periodic payment on an arrearage due the state for state assistance
1020 which has been discontinued to increase such payments, unless the
1021 family support magistrate first determines that the state has made a
1022 reasonable effort to notify the current recipient of child support, at the
1023 most current address available to the IV-D agency, of the pendency of
1024 the motion to increase such periodic arrearage payments and of the
1025 time and place of the hearing on such motion. If such recipient
1026 appears, either personally or through a representative, at such hearing,
1027 the family support magistrate shall determine whether the order in
1028 effect for child support is reasonable in relation to the current financial
1029 circumstances of the parties, prior to modifying an order increasing
1030 such periodic arrearage payments.

1031 (3) Family support magistrates shall review and approve or [modify
1032 all] disapprove all agreements for support in IV-D support cases filed
1033 with the Family Support Magistrate Division in accordance with
1034 sections 17b-179, as amended by this act, 17b-745, as amended by this

1035 act, 46b-172, as amended by this act, 46b-215, as amended by this act,
1036 and subsection (c) of section 53-304, as amended by this act.

1037 Sec. 36. Subdivision (6) of subsection (m) of section 46b-231 of the
1038 general statutes is repealed and the following is substituted in lieu
1039 thereof (*Effective October 1, 2009*):

1040 (6) Agreements for support obtained in IV-D support cases shall be
1041 filed with the assistant clerk of the family support magistrate division
1042 for the judicial district where the mother or the father of the child
1043 resides, pursuant to subsection (b) of section 46b-172, as amended by
1044 this act, and shall become effective as an order upon filing with the
1045 clerk. Such support agreements shall be reviewed by a family support
1046 magistrate who shall approve or disapprove the agreement. If the
1047 support agreement filed with the clerk is disapproved by a family
1048 support magistrate, the reason shall be stated in the record and such
1049 disapproval shall have a retroactive effect. Upon such disapproval, the
1050 clerk shall schedule a hearing to determine appropriate support
1051 amounts and notify all parties of the hearing date.

1052 Sec. 37. Subsections (n) to (r), inclusive, of section 46b-231 of the
1053 general statutes are repealed and the following is substituted in lieu
1054 thereof (*Effective October 1, 2009*):

1055 (n) (1) A person who is aggrieved by a final decision of a family
1056 support magistrate or a judge trial referee in any matter referred in
1057 accordance with the general statutes that could have been heard by a
1058 family support magistrate, is entitled to judicial review by way of
1059 appeal under this section.

1060 (2) Proceedings for such appeal shall be instituted by filing a
1061 petition in [superior court] Superior Court for the judicial district in
1062 which the decision [of the family support magistrate] was rendered not
1063 later than fourteen days after filing of the final decision with an
1064 assistant clerk assigned to the Family Support Magistrate Division or,
1065 if a rehearing is requested, not later than fourteen days after filing of

1066 the notice of the decision thereon. In a IV-D support case, such
1067 petitions shall be accompanied by a certification that copies of the
1068 petition have been served upon the IV-D agency as defined in
1069 subsection (b) of this section and all parties of record. Service upon the
1070 IV-D agency may be made by the appellant mailing a copy of the
1071 petition by certified mail to the office of the Attorney General in
1072 Hartford.

1073 (3) Within fourteen days after the filing of the petition, or within
1074 such further time as may be allowed by the court, the Family Support
1075 Magistrate Division shall transmit to the reviewing court the original
1076 or a certified copy of the entire record of the proceeding appealed
1077 from, which shall include the decision of the family support magistrate
1078 or judge trial referee. The reviewing court may require or permit
1079 subsequent corrections or additions to the record.

1080 (4) The aggrieved party shall file with his appeal a statement that no
1081 transcript is required for the purpose of determining the issues raised
1082 on appeal or a statement that he has ordered a transcript. A transcript
1083 may be filed by any party to an appeal and shall be filed within thirty
1084 days from the filing of said appeal unless the time for filing such
1085 transcript is extended by order of the Superior Court, the judge trial
1086 referee or the family support magistrate. Costs of preparing the
1087 transcript shall be paid by the party ordering the preparation of the
1088 transcript.

1089 (5) If, before the date set for hearing, application is made to the
1090 Superior Court for leave to present additional evidence, and it is
1091 shown to the satisfaction of the court that the additional evidence is
1092 material and that there were good reasons for failure to present it in
1093 the proceeding before the family support magistrate or judge trial
1094 referee, the Superior Court may permit additional evidence be taken
1095 before it upon conditions determined by the court.

1096 (6) The appeal shall be conducted by the Superior Court without a
1097 jury and shall be confined to the record and such additional evidence

1098 as the Superior Court has permitted to be introduced. The Superior
1099 Court, upon request, shall hear oral argument and receive written
1100 briefs.

1101 (7) The Superior Court may affirm the decision of the family
1102 support magistrate or judge trial referee or remand the case for further
1103 proceedings. The Superior Court may reverse or modify the decision if
1104 substantial rights of the appellant have been prejudiced because [the]
1105 such decision [of the family support magistrate] is: (A) In violation of
1106 constitutional or statutory provisions; (B) if made by a family support
1107 magistrate, in excess of the statutory authority of the family support
1108 magistrate or outside the functions of the Family Support Magistrate
1109 Division, as described in this section; (C) made upon unlawful
1110 procedure; (D) affected by other error of law; (E) clearly erroneous in
1111 view of the reliable, probative, and substantial evidence on the whole
1112 record; or (F) arbitrary or capricious or characterized by abuse of
1113 discretion or clearly unwarranted exercise of discretion.

1114 (8) Any order entered by the [court] Superior Court pursuant to an
1115 appeal under this subsection may be retroactive to the date of the
1116 original order entered by the family support magistrate or judge trial
1117 referee.

1118 (9) Upon all such appeals which are denied, costs may be taxed in
1119 favor of the prevailing party at the discretion of the Superior Court,
1120 but no costs shall be taxed against the state.

1121 (10) In any case in which any party claims that he cannot pay the
1122 costs of an appeal or defending an appeal under this section, he shall,
1123 within the time permitted for filing the appeal, or the time permitted
1124 for filing of a transcript of testimony if preparation of such transcript is
1125 required, file with the clerk of the superior court to which the appeal is
1126 to be taken an application for waiver of payment of such fees, costs
1127 and necessary expenses. The application shall conform to rules
1128 adopted pursuant to section 51-14. After such hearing as the Superior
1129 Court determines is necessary, the Superior Court shall enter its

1130 judgment on the application, which judgment shall contain a statement
1131 of the facts the Superior Court has found, with its conclusions thereon.
1132 The filing of the application for the waiver shall toll the time limits for
1133 the filing of an appeal until such time as a judgment on such
1134 application is entered.

1135 (o) Upon final determination by the Superior Court of any appeal
1136 from a decision of a family support magistrate, [by the Superior
1137 Court,] or of a judge trial referee in any matter referred in accordance
1138 with the general statutes that could have been heard by a family
1139 support magistrate, there shall be no right to further review except to
1140 the Appellate Court. The procedure on such appeal to the Appellate
1141 Court shall, except as otherwise provided herein, be in accordance
1142 with the procedures provided by rule or law for the appeal of
1143 judgments rendered by the Superior Court unless modified by rule of
1144 the judges of the Appellate Court. There shall be no right to further
1145 review except to the Supreme Court pursuant to the provisions of
1146 section 51-197f.

1147 (p) The filing of an appeal from a decision of a family support
1148 magistrate, or of a judge trial referee in any matter referred in
1149 accordance with the general statutes that could have been heard by a
1150 family support magistrate, does not affect the order of support of [a]
1151 the family support magistrate or judge trial referee, [but it] and such
1152 order shall continue in effect until the appeal is decided, and
1153 thereafter, unless denied, until changed by further order of a family
1154 support magistrate, judge trial referee or the Superior Court.

1155 (q) When an order for child or spousal support has been entered
1156 against an obligor by the Superior Court in an action originating in the
1157 Superior Court, such order shall supersede any previous order for
1158 child or spousal support against such obligor entered by a family
1159 support magistrate, or of a judge trial referee in any matter referred in
1160 accordance with the general statutes that could have been heard by a
1161 family support magistrate, and shall also supersede any previous

1162 agreement for support executed by such obligor and filed with the
1163 Family Support Magistrate Division.

1164 (r) Orders for support entered by a family support magistrate shall
1165 have the same force and effect as orders of the Superior Court, except
1166 where otherwise provided in sections 17b-81, 17b-93, 17b-179, as
1167 amended by this act, 17b-743, 17b-744, 17b-745, as amended by this act,
1168 and 17b-746, subsection (a) of section 46b-55, sections 46b-59a, 46b-86,
1169 as amended by this act, and 46b-172, as amended by this act, this
1170 chapter, subsection (b) of section 51-348, section 52-362, as amended by
1171 this act, subsection (a) of section 52-362d, subsection (a) of section 52-
1172 362e and subsection (c) of section 53-304, and shall be considered
1173 orders of the Superior Court for the purpose of establishing and
1174 enforcing support orders, [of the family support magistrate,] as
1175 provided in sections 17b-81, 17b-93, 17b-179, as amended by this act,
1176 17b-745, as amended by this act, 52-362, as amended by this act, 52-
1177 362d, 52-362e and 53-304, as amended by this act, except as otherwise
1178 provided in this section. All orders for support issued by family
1179 support magistrates in any matter before a magistrate, or of a judge
1180 trial referee in any matter referred in accordance with the general
1181 statutes that could have been heard by a family support magistrate,
1182 shall contain an order for withholding to enforce such orders as set
1183 forth in section 52-362, as amended by this act.

1184 Sec. 38. Subsection (s) of section 46b-231 of the general statutes is
1185 repealed and the following is substituted in lieu thereof (*Effective*
1186 *October 1, 2009*):

1187 (s) Support enforcement officers of Support Enforcement Services of
1188 the Superior Court shall:

1189 (1) Supervise the payment of any child or spousal support order
1190 [made by a family support magistrate] entered in the Family Support
1191 Magistrate Division. Supervision of such orders is defined as the
1192 utilization of all procedures available by law to collect child or spousal
1193 support, or enforce medical support including (A) issuance and

1194 implementation of income withholdings ordered by the Superior
1195 Court or a family support magistrate pursuant to section 52-362, as
1196 amended by this act, (B) issuance of an order requiring any party to
1197 appear before a family support magistrate on an action to modify a
1198 support order pursuant to subdivision (4) of this subsection, (C)
1199 issuance of a capias mittimus directed to a proper officer to arrest an
1200 obligor or witness and bring such obligor or witness before a family
1201 support magistrate if such obligor or witness is served with a
1202 summons, subpoena, citation or order to appear issued by a family
1203 support magistrate, the assistant clerk of the Family Support
1204 Magistrate Division or a support enforcement officer and fails to
1205 appear, (D) if necessary, bringing an application for contempt to a
1206 family support magistrate and, in connection with such application,
1207 issuing an order requiring the obligor to appear before a family
1208 support magistrate to show cause why such obligor should not be held
1209 in contempt for failure to pay an order for child or spousal support
1210 entered by the Superior Court or a family support magistrate, and (E)
1211 issuance of a National Medical Support Notice in accordance with
1212 section 46b-88;

1213 (2) In [non-TANF] non-TFA cases, have the authority to bring
1214 petitions for support orders pursuant to section 46b-215, as amended
1215 by this act, file agreements for support with the assistant clerk of the
1216 Family Support Magistrate Division, and bring applications for show
1217 cause orders pursuant to section 46b-172, as amended by this act, and
1218 in IV-D support cases and cases under sections 46b-212 to 46b-213w,
1219 inclusive, as amended by this act, enforce foreign support orders
1220 registered with the Family Support Magistrate Division pursuant to
1221 sections 46b-213f to 46b-213i, inclusive, and file agreements for support
1222 with the assistant clerk of the Family Support Magistrate Division;

1223 (3) In connection with any order or agreement entered by, or filed
1224 with, the Family Support Magistrate Division, or any order entered by
1225 the Superior Court in a IV-D support case, upon order, investigate the
1226 financial situation of the parties and report findings to the family

1227 support magistrate regarding: (A) Any pending motion to modify such
1228 order or agreement; or (B) any request or application for modification
1229 of such order or agreement made by an obligee;

1230 (4) Review child support orders (A) in [non-TANF] non-TFA IV-D
1231 support cases (i) at the request of either parent or custodial party
1232 subject to a support order, or (ii) upon receipt of information
1233 indicating a substantial change in circumstances of any party to the
1234 support order, (B) in [TANF] TFA cases, at the request of the Bureau of
1235 Child Support Enforcement, or (C) as necessary to comply with federal
1236 requirements for the child support enforcement program mandated by
1237 Title IV-D of the Social Security Act, and initiate an action before a
1238 family support magistrate to modify such support order if it is
1239 determined upon such review that the order substantially deviates
1240 from the child support guidelines established pursuant to section 46b-
1241 215a₂ [or 46b-215b] as amended by this act. A requesting party under
1242 subparagraph (A)(i) or (B) of this subdivision shall have a right to such
1243 review every three years without proving a substantial change in
1244 circumstances, but more frequent reviews shall be made only if such
1245 requesting party demonstrates a substantial change in circumstances.
1246 There shall be a rebuttable presumption that any deviation of less than
1247 fifteen per cent from the child support guidelines is not substantial and
1248 any deviation of fifteen per cent or more from the guidelines is
1249 substantial. Modification may be made of such support order without
1250 regard to whether the order was issued before, on or after May 9, 1991.
1251 In determining whether to modify a child support order based on a
1252 substantial deviation from such child support guidelines,
1253 consideration shall be given to the division of real and personal
1254 property between the parties set forth in any final decree entered
1255 pursuant to chapter 815j and the benefits accruing to the child as the
1256 result of such division. No order for periodic payment of support may
1257 be subject to retroactive modification, except that the family support
1258 magistrate may order modification with respect to any period during
1259 which there is a pending motion for modification of a support order
1260 from the date of service of notice of such pending motion to the

1261 opposing party pursuant to section 52-50.

1262 Sec. 39. Subsection (t) of section 46b-231 of the general statutes is
1263 repealed and the following is substituted in lieu thereof (*Effective*
1264 *October 1, 2009*):

1265 (t) The Attorney General shall:

1266 (1) Represent the interest of the state in all actions for child or
1267 spousal support in all cases in which the state is furnishing or has
1268 furnished aid or care to one of the parties to the action or a child of one
1269 of the parties;

1270 (2) In interstate support enforcement under sections 46b-212 to [46b-
1271 213v] 46b-213w, inclusive, as amended by this act, provide necessary
1272 legal services on behalf of the support enforcement agency in
1273 providing services to a petitioner;

1274 (3) Represent the IV-D agency in providing support enforcement
1275 services in non-TANF IV-D support cases pursuant to sections 17b-179,
1276 as amended by this act, 17b-745, as amended by this act, and 46b-215,
1277 as amended by this act.

1278 Sec. 40. Subsection (f) of section 52-57 of the general statutes is
1279 repealed and the following is substituted in lieu thereof (*Effective*
1280 *October 1, 2009*):

1281 (f) When the other methods of service of process provided under
1282 this section or otherwise provided by law cannot be effected, in actions
1283 concerning the establishment, enforcement or modification of child
1284 support orders other than actions for dissolution of marriage,
1285 including, but not limited to, such actions under sections 17b-122, 17b-
1286 124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-
1287 197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340
1288 to 17b-350, inclusive, 17b-689b, 17b-743 to 17b-747, inclusive, and 46b-
1289 212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and
1290 chapters 815, 815p, 815t, 815y and 816, and actions to implement

1291 garnishments for support under section 52-362, as amended by this act,
1292 service of process may be made upon a party to the action by one of
1293 the following methods, provided proof of receipt of such process by
1294 such party is presented to the court in accordance with rules
1295 promulgated by the judges of the Superior Court:

1296 (1) By certified mail to a party to the action addressed to the
1297 employer of such party. Any service of process so sent shall include on
1298 the outside envelope the words "To be delivered to the employee in
1299 accordance with subsection (f) of section 52-57". The employer shall
1300 accept any such service of process sent by certified mail and promptly
1301 deliver such certified mail to the employee; or

1302 (2) When a party to an action under this subsection is employed by
1303 an employer with fifteen or more employees, by personal service upon
1304 an official of the employer designated as an agent to accept service of
1305 process in actions brought under this subsection. Every employer with
1306 fifteen or more employees doing business in this state shall designate
1307 an official to accept service of process for employees who are parties to
1308 such actions. The person so served shall promptly deliver such process
1309 to the employee.

1310 Sec. 41. Subsection (a) of section 52-251d of the general statutes is
1311 repealed and the following is substituted in lieu thereof (*Effective*
1312 *October 1, 2009*):

1313 (a) In any civil action to establish paternity or to establish, modify or
1314 enforce child support orders in [TANF] temporary family assistance
1315 cases pursuant to sections 17b-745, as amended by this act, 46b-86, as
1316 amended by this act, 46b-160, as amended by this act, 46b-171, as
1317 amended by this act, 46b-172, as amended by this act, 46b-215, as
1318 amended by this act and 46b-231, as amended by this act, the court
1319 may allow the state, when it is the prevailing party, a reasonable
1320 attorney's fee.

1321 Sec. 42. Subsections (a) and (b) of section 52-362 of the general

1322 statutes are repealed and the following is substituted in lieu thereof
1323 (*Effective October 1, 2009*):

1324 (a) For purposes of this section:

1325 (1) "Dependent" means a spouse, former spouse or child entitled to
1326 payments under a support order, provided Support Enforcement
1327 Services of the Superior Court or the state acting under an assignment
1328 of a dependent's support rights or under an application for child
1329 support enforcement services shall, through an officer of Support
1330 Enforcement Services or the Bureau of Child Support Enforcement
1331 within the Department of Social Services or an investigator of the
1332 Department of Administrative Services or the Attorney General, take
1333 any action which the dependent could take to enforce a support order;

1334 (2) "Disposable earnings" means that part of the earnings of an
1335 individual remaining after deduction from those earnings of amounts
1336 required to be withheld for the payment of federal, state and local
1337 income taxes, employment taxes, normal retirement contributions,
1338 union dues and initiation fees, and group life and health insurance
1339 premiums;

1340 (3) "Earnings" means any debt accruing to an obligor by reason of
1341 such obligor's personal services, including any compensation payable
1342 by an employer to an employee for such personal services whether
1343 denominated as wages, salary, commission, bonus or otherwise,
1344 including unemployment compensation if a purchase of service
1345 agreement between the Commissioner of Social Services and the Labor
1346 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

1347 (4) "Employer" means any person, including the Labor
1348 Commissioner, who owes earnings to an obligor;

1349 (5) "Income" means any periodic form of payment due to an
1350 individual, regardless of source, including, but not limited to,
1351 disposable earnings, workers' compensation and disability benefits,

1352 payments pursuant to a pension or retirement program and interest;

1353 (6) "Issue" means: (A) Complete the withholding order form
1354 prescribed under subsection (q) of this section and serve such form on
1355 the employer or other payer of income, or (B) in the case of an income
1356 withholding order served electronically in accordance with subsection
1357 (h) of this section, transmit electronic data sufficient to implement the
1358 withholding to an employer that has agreed to receive electronic
1359 transmission of income withholding orders and notices;

1360 [(6)] (7) "Obligor" means a person required to make payments under
1361 a support order;

1362 [(7)] (8) "Support order" means a court order, or order of a family
1363 support magistrate including an agreement approved by a court or a
1364 family support magistrate, that requires the payment to a dependent of
1365 current support, cash medical support, a specific dollar amount of
1366 child care costs or arrearage payments;

1367 [(8)] (9) "Unemployment compensation" means any compensation
1368 payable under chapter 567, including amounts payable by the
1369 administrator of the unemployment compensation law pursuant to an
1370 agreement under any federal law providing for compensation,
1371 assistance or allowances with respect to unemployment.

1372 (b) The Superior Court and any family support magistrate shall
1373 [issue] enter an order for withholding pursuant to this section against
1374 the income of an obligor to enforce a support order when the support
1375 order is entered or modified or when the obligor is before the court in
1376 an enforcement proceeding. The court shall order the withholding to
1377 be effective immediately or may, for cause or pursuant to an
1378 agreement by the parties, order a contingent withholding to be
1379 effective only on accrual of a delinquency in an amount greater than or
1380 equal to thirty days' obligation. Any finding that there is cause not to
1381 order withholding to be effective immediately shall be based on at
1382 least (1) a written determination that, and explanation by the court or

1383 family support magistrate of why, implementing immediate income
1384 withholding would not be in the best interests of the child, and (2)
1385 proof of timely payment of previously ordered support in cases
1386 involving the modification of such support. Before the court or family
1387 support magistrate [issues] enters an order for withholding which is
1388 effective immediately against an obligor who is before the court or a
1389 family support magistrate, it shall inform the obligor of the minimum
1390 amount of income which is exempt from withholding under state and
1391 federal law, of such obligor's right to claim any applicable state or
1392 federal exemptions with respect thereto and of such obligor's right to
1393 offer any evidence as to why a withholding order effective
1394 immediately should not [issue] enter. If the court or family support
1395 magistrate [issues] enters an order for withholding to be effective
1396 immediately against a nonappearing obligor, notice shall be served
1397 subsequently upon the obligor in accordance with section 52-57 or sent
1398 by certified mail, return receipt requested, to the obligor's last known
1399 address, informing such obligor: (A) That a support order has been
1400 [issued] entered to be enforced by an income withholding order, (B)
1401 that an income withholding order has been [issued] entered effective
1402 immediately as part of the support order, (C) of the minimum amount
1403 of income exempt from withholding under state and federal law and of
1404 such obligor's right at the hearing on the support order to claim any
1405 other applicable state or federal exemptions with respect thereto, (D) of
1406 such obligor's right to a hearing, upon motion to the court, to offer any
1407 evidence as to why the withholding order effective immediately
1408 should not continue in effect, (E) of the amount of income received by
1409 such obligor which formed the basis for the support order against such
1410 obligor, and (F) of such obligor's right to move to modify the support
1411 order if such obligor's income has changed substantially or if the
1412 support order substantially deviates from the child support guidelines
1413 established pursuant to section 46b-215a, as amended by this act.

1414 Sec. 43. Subsection (h) of section 52-362 of the general statutes is
1415 repealed and the following is substituted in lieu thereof (*Effective*
1416 *October 1, 2009*):

1417 (h) Service of any process under this section, including any notice,
1418 may be made in accordance with section 52-57, or by certified mail,
1419 return receipt requested. If service is made on behalf of the state, it
1420 may be made by an authorized employee of Support Enforcement
1421 Services, [or] by an investigator or other officer of the Bureau of Child
1422 Support Enforcement within the Department of Social Services, [or] by
1423 an investigator of the Department of Administrative Services or by the
1424 Attorney General. Service of income withholding orders by Support
1425 Enforcement Services or by an investigator or other officer of said
1426 bureau upon an employer under this section may be made in
1427 accordance with section 52-57, by certified mail, return receipt
1428 requested, [or] by first class mail or electronically, provided the
1429 employer agrees to accept service made electronically.

1430 Sec. 44. Subsection (n) of section 52-362 of the general statutes is
1431 repealed and the following is substituted in lieu thereof (*Effective*
1432 *October 1, 2009*):

1433 (n) When a support order is issued in another state and the obligor
1434 has income subject to withholding derived in this state, such income
1435 shall be subject to withholding in accordance with the provisions of
1436 this section, upon the registration of the support order in accordance
1437 with sections 46b-213g to 46b-213j, inclusive. Notice of rights to the
1438 obligor and the obligor's right to contest such order are governed by
1439 sections 46b-213k to [46b-213m] 46b-213n, inclusive.

1440 Sec. 45. Subsections (d) and (e) of section 52-362f of the general
1441 statutes are repealed and the following is substituted in lieu thereof
1442 (*Effective October 1, 2009*):

1443 (d) When a support order is issued in another jurisdiction and the
1444 obligor has income subject to withholding in accordance with the
1445 provisions of section 52-362, as amended by this act, Support
1446 Enforcement Services shall, upon receiving a support order of another
1447 jurisdiction with the documentation specified in this subsection from
1448 an agency of another jurisdiction, or from an obligee, an obligor or an

1449 attorney for either the obligee or obligor, file such support order and
 1450 documents in the registry maintained by Support Enforcement
 1451 Services. Documentation required for the entry of a support order for
 1452 another jurisdiction for the purpose of withholding of income shall
 1453 comply with the requirements of section [46b-213i] 46b-213h. If the
 1454 documentation received by Support Enforcement Services does not
 1455 conform to those requirements, Support Enforcement Services shall
 1456 remedy any defect which it can without the assistance of the obligee or
 1457 requesting agency or person. If Support Enforcement Services is
 1458 unable to make such corrections, the requesting agency or person shall
 1459 immediately be notified of the necessary additions or corrections.
 1460 Support Enforcement Services shall accept the documentation required
 1461 by this subsection as long as the substantive requirements of this
 1462 subsection are met.

1463 (e) A support order registered under subsection (d) of this section
 1464 shall be enforceable by withholding in the manner and with the effect
 1465 as set forth for registered support orders of another jurisdiction
 1466 pursuant to section 52-362, as amended by this act. A support order
 1467 from another jurisdiction filed under this section shall not be subject to
 1468 modification by a court or other agency of this state except as provided
 1469 in sections 46b-213o to [46b-213q] 46b-213r, inclusive. Entry of the
 1470 order shall not confer jurisdiction on any court of this state for any
 1471 purpose other than withholding of income.

1472 Sec. 46. Section 52-362i of the general statutes is repealed and the
 1473 following is substituted in lieu thereof (*Effective October 1, 2009*):

1474 If the court or family support magistrate finds that (1) an obligor is
 1475 delinquent on payment of child support, and (2) future support
 1476 payments are in jeopardy, or (3) the obligor has exhibited or expressed
 1477 an intention not to pay any such support, the court or family support
 1478 magistrate may order the obligor to provide a cash deposit not to
 1479 exceed the amount of four times the current monthly support and
 1480 arrearage obligation, to be held in escrow by the [Connecticut] Bureau

1481 of Child Support Enforcement [Bureau] or Support Enforcement
 1482 Services. Any funds from such cash deposit may be disbursed by the
 1483 [Connecticut] Bureau of Child Support Enforcement [Bureau] or
 1484 Support Enforcement Services to the custodial parent upon a
 1485 determination by said [support enforcement] bureau or Support
 1486 Enforcement Services that the obligor has failed to pay the full amount
 1487 of the monthly support obligation. Payment shall be in an amount that,
 1488 when combined with the obligor's payment, would not exceed the
 1489 monthly support obligation. Payment from such cash deposit shall not
 1490 preclude a finding of delinquency during the period of time in which
 1491 the obligor failed to pay current support.

1492 Sec. 47. (NEW) (*Effective October 1, 2009*) Any judicial marshal may
 1493 serve a capias mittimus on any person who is in the custody of the
 1494 marshal or is in a courthouse where the marshal provides courthouse
 1495 security if such capias mittimus was issued in a child support matter
 1496 by (1) a court or a family support magistrate pursuant to subdivision
 1497 (8) of subsection (a) of section 17b-745 of the general statutes, as
 1498 amended by this act, or subparagraph (C) of subdivision (8) of
 1499 subsection (a) of section 46b-215 of the general statutes, as amended by
 1500 this act; or (2) a family support magistrate pursuant to subdivision (1)
 1501 of subsection (m) of section 46b-231 of the general statutes, as amended
 1502 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	17b-179(b) to (g)
Sec. 2	<i>October 1, 2009</i>	17b-179(h)
Sec. 3	<i>October 1, 2009</i>	17b-179(i)
Sec. 4	<i>October 1, 2009</i>	17b-179(l)
Sec. 5	<i>October 1, 2009</i>	17b-745(a)(5)(A) and (B)
Sec. 6	<i>October 1, 2009</i>	17b-745(a)(8)
Sec. 7	<i>October 1, 2009</i>	17b-745(b)
Sec. 8	<i>October 1, 2009</i>	19a-42(d)
Sec. 9	<i>October 1, 2009</i>	19a-42a
Sec. 10	<i>October 1, 2009</i>	29-1g

Sec. 11	<i>October 1, 2009</i>	46b-56c(b)(4)
Sec. 12	<i>October 1, 2009</i>	46b-62
Sec. 13	<i>October 1, 2009</i>	46b-86(c)
Sec. 14	<i>October 1, 2009</i>	46b-130
Sec. 15	<i>October 1, 2009</i>	46b-168a(a)
Sec. 16	<i>October 1, 2009</i>	46b-170
Sec. 17	<i>October 1, 2009</i>	46b-171(a)(3)
Sec. 18	<i>October 1, 2009</i>	46b-172(b)(1)
Sec. 19	<i>October 1, 2009</i>	46b-172(c)(1)
Sec. 20	<i>October 1, 2009</i>	46b-207
Sec. 21	<i>October 1, 2009</i>	46b-208
Sec. 22	<i>October 1, 2009</i>	46b-213d(a)
Sec. 23	<i>October 1, 2009</i>	46b-213w
Sec. 24	<i>October 1, 2009</i>	46b-215(a)(1)
Sec. 25	<i>October 1, 2009</i>	46b-215(a)(7)(A)
Sec. 26	<i>October 1, 2009</i>	46b-215(a)(8)(C)
Sec. 27	<i>October 1, 2009</i>	46b-215(b)
Sec. 28	<i>October 1, 2009</i>	46b-215(e)
Sec. 29	<i>October 1, 2009</i>	46b-215a
Sec. 30	<i>October 1, 2009</i>	46b-215b
Sec. 31	<i>October 1, 2009</i>	46b-215c
Sec. 32	<i>October 1, 2009</i>	46b-231(b)
Sec. 33	<i>October 1, 2009</i>	46b-231(f)
Sec. 34	<i>October 1, 2009</i>	46b-231(l)
Sec. 35	<i>October 1, 2009</i>	46b-231(m)(1) to (3)
Sec. 36	<i>October 1, 2009</i>	46b-231(m)(6)
Sec. 37	<i>October 1, 2009</i>	46b-231(n) to (r)
Sec. 38	<i>October 1, 2009</i>	46b-231(s)
Sec. 39	<i>October 1, 2009</i>	46b-231(t)
Sec. 40	<i>October 1, 2009</i>	52-57(f)
Sec. 41	<i>October 1, 2009</i>	52-251d(a)
Sec. 42	<i>October 1, 2009</i>	52-362(a) and (b)
Sec. 43	<i>October 1, 2009</i>	52-362(h)
Sec. 44	<i>October 1, 2009</i>	52-362(n)
Sec. 45	<i>October 1, 2009</i>	52-362f(d) and (e)
Sec. 46	<i>October 1, 2009</i>	52-362i
Sec. 47	<i>October 1, 2009</i>	New section

Statement of Purpose:

To improve procedures for the establishment, modification and enforcement of child support orders in Title IV-D child support enforcement cases, and make technical changes to update, clarify and improve the consistency of child support statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]